



Environmental Planning Commission

Agenda Number: 11
Project Number: 1000936
Case #: 16EPC-40065, 40052 & 40051
November 10, 2016

Staff Report

Agent	Scott Anderson
Applicant	Danny Brandenburg
Requests	Zone Map Amendment Site Development Plan for Building Permit Site Development Plan for Subdivision Amendment
Legal Description	Tract 4, Paradise Plaza
Location	On Unser Blvd. NW, between McMahon Blvd. NW and the Sandoval County Line
Size	Approximately 1.9 acres
Zoning	SU-1 for Mixed Uses detailed in Project #1000936

Staff Recommendation

DEFERRAL of Case #s 16EPC-40065, 16EPC-40052, and 16EPC-40051 based on the Findings beginning on Page 5.

Staff Planner
Catalina Lehner, AICP- Senior Planner

Summary of Analysis

The proposal is for a Site Development Plan for Building Permit for Tract 4 of Paradise Plaza. The subject site is vacant. The applicant proposes a car wash on the southern portion of the subject site, which would be subdivided.

The approved site development plan for subdivision for Unser/McMahon Village Center North (Project #10000936) governs the site and contains design standards. The subject site's zoning excludes auto-oriented retail and service uses, so a zone change is required to allow the proposed use.

The subject site is in the Established Urban Area. The West Side Strategic Plan and Unser Blvd. Design Overlay Zone also apply.

Staff recommends deferral of the proposal because 1) notification requirements have not been satisfied as required; and 2) revised materials were not received in the timeframes established in the EPC's Rules of Conduct, which are built into the EPC calendar. These procedures apply to all applicants in the EPC process.



City Departments and other interested agencies reviewed this application from 09/06/2016 to 09/21/2016.

I. INTRODUCTION

The three-part proposal is for a zone map amendment (zone change), a site development plan for building permit, and a site development plan for subdivision amendment in order to allow a car wash on Tract 4 of Paradise Plaza. Tract 4 is part of the approved site development plan for subdivision for Unser/McMahon Village Center North (Project #10000936), which governs the site, contains applicable design standards, and established zoning.

Staff recommends deferral of the proposal because: 1) notification requirements have not been satisfied as required, and 2) revised materials were not received in the timeframes established in the EPC's Rules of Conduct and as stated on the EPC calendar. These procedures apply to all applicants in the EPC process.

II. BACKGROUND

The proposal first entered the EPC process when an application for a site development plan for building permit and a site development plan for subdivision amendment was received on September 1, 2016, the last day to apply and be scheduled for the October 13, 2016 EPC hearing.

The application was incomplete because it did not include a copy of the governing site development plan for subdivision for Unser/McMahon Village Center North and was missing a letter of authorization from the property owner of record. Staff provided the applicant with an incompleteness memo dated September 6, 2016, which explained that the application could not be reviewed until it was made complete (see attachment, particularly Items 1A-C).

Version 2 (v.2) of the site development plan was submitted. Staff reviewed it and found that, for the most part, the site development plan for building permit checklist was not followed. Staff issued a project memo, requesting revisions and establishing timeframes, dated September 13, 2016 (see attachment). Staff and the applicant met on September 14, 2016 to discuss the proposal.

III. ZONING

The September 1, 2016 application listed the subject site's zoning as "SU-1", which does not match the zoning for the site listed on the City's GIS website: <https://www.cabq.gov/gis/>. Planning Staff uses the AGIS website to verify zoning.

In review of the application, Staff noted that the zoning listed in AGIS is "SU-1 for Mixed Uses detailed in Project #1000936", which refers to the approved site development plan that established the zoning. Staff located the approved site development plan in the Planning Department File Room (Third Floor, Plaza del Sol, see also Section IV of this report).

Staff began writing the report and realized that the subject site's zoning, established in 2001 by the Unser/McMahon Village Center North site development plan for subdivision, is:

"SU-1 for Mixed Use Development-C-1 Permissive Uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres)".

The subject site's zoning does not allow automobile related retail and service uses. Therefore, a car wash (which is an automobile related retail and service use) is not allowed on the subject site. On September 16, 2016, Staff consulted with Code Enforcement Staff, who confirmed that the use is not allowed.

Staff immediately called the applicant and left a voice-mail and followed-up with an email (see attachment). The email also stated that a deferral would be needed to allow time for an adequate zone change justification to be written, in addition to revising the site development plan.

Staff recommended deferral after the applicant had requested it. At its October 13, 2016 hearing, the EPC voted to defer the proposal for 30 days to the November 10, 2016 hearing (see attachment).

IV. PRE-APPLICATION OPPORTUNITIES

The Planning Department offers assistance to prospective applicants who are considering a project, before an application is submitted, so they can determine how they wish to proceed. Every Tuesday afternoon, pre-application review team (PRT) meetings are available to anyone who wishes to inquire about a site, how to go about developing it, what regulations apply, and what processes to follow.

EPC applicants are highly encouraged to sign-up for a PRT meeting, which is free. Follow-up meetings are available as needed. PRT meetings are conducted by Staff—including, at a minimum, the current planning manager and a zoning manager. Preliminary research is conducted beforehand. In this case, a PRT meeting would have provided a forum to learn about the subject site's zoning and applicable processes, in addition to the information available on the AGIS website.

Also, the Planning Department File Room (Third Floor, Plaza del Sol) is available to the public from 8 am to 5 pm, Monday – Friday. An appointment is not necessary. A file clerk is available to help customers locate applicable site development plans and provide research assistance. Staff are also available during business hours at the Zoning Counter to answer questions from the public and point them in the right direction. If the question is more planning related, Current Planning Staff is also available to respond to questions.

V. REASONS FOR RECOMMENDING DEFERRAL

Staff is recommending deferral of the proposal to the December 8, 2016 hearing for two reasons—incomplete notification and missed deadlines, as explained below:

- A. *Notification*—Adding a zone change to the proposal necessitated that new notification occur to properly advertise the zone change request. Staff updated the legal ad for the proposal, which was published in the Albuquerque Journal on October 19, 2016. Staff also issued updated notification to property owners within 100 feet of the subject site. The notification was mailed on October 19, 2016.

Notification of affected neighborhood organization is the responsibility of the applicant. In an e-mail dated October 12, 2016 (see attachment), Staff advised the applicant that notification of the affected neighborhood organizations would need to be re-done and that certified, return receipts would need to be provided for the file. Staff has not received return receipts or proof of notification at this time.

Posting of the yellow notification sign is also the responsibility of the applicant, who had inquired on October 28, 2016 if a sign needed to be posted. Staff stated that it did because the zone change request was added, and then found out that the sign posting period had begun on October 26, 2016. Code Enforcement Staff, who visited the subject site on October 28, 2016, reported that no yellow sign was posted as of approximately 11 am. For the first two days of the sign posting period, the yellow sign was not posted.

- B. *Deadlines*—The EPC's Rules of Conduct (see B.12) state that written materials should be submitted to the Planning Department at least 10 days prior to the EPC hearing. This rule establishes deadlines by which applicants must submit materials to the Staff planner for inclusion in the Staff report. Staff reports are due, in final form, the day of the study session—which is one week prior to the hearing date.

The 2016 EPC Application and Hearing Schedule (aka the "EPC Calendar") lists the date that is 10 days prior to the EPC hearing date. The EPC Calendar is available online at: https://www.cabq.gov/planning/boards-commissions/environmental_planning_-_commission The EPC Rules of Conduct are also available online at this location. For the November 10, 2016 hearing, the 10 days prior date is Friday, October 28, 2016.

In a memo dated October 24, 2016 (see attachment), Staff established a deadline of 5 pm on Thursday, October 27, 2016 for the revised zone change justification letter. In an email sent Monday, October 31, Staff informed the applicant that the proposal would need to be deferred to the next EPC hearing (December 8, 2016) (see attachment). The applicant responded, and Staff indicated that a deferral will be the Staff recommendation.

A revised zone change justification letter was received on Wednesday, November 2, 2016 around noon (see attachment). As of this writing, a revised site development plan has not been received. Staff looks forward to the items being addressed so that the proposal can proceed, and will continue to be available to work with the applicant.

FINDINGS – 16EPC-40065, 16EPC-40052, and 16EPC-40051 – November 10, 2016 – Zone Map Amendment, Site Development Plan for Building Permit, and Site Development Plan for Subdivision Amendment

1. The proposal is for a Zone Map Amendment, a Site Development Plan for Building Permit, and a Site Development Plan for Subdivision Amendment for Tract 4 of Paradise Plaza. The applicant proposes a car wash on the southern portion of the subject site, which would be subdivided.
2. The subject site is zoned SU-1 for Mixed Uses detailed in Project #1000936, which is SU-1 for Mixed Use (C-1 uses), with exclusions. Automobile related retail and service uses, such as a car wash, are excluded and are not allowed by the subject site's zoning.
3. Staff notified the applicant that the zone change justification letter was incomplete on September 29, 2016. Upon receiving a complete letter (Sections A-J responded to), Staff notified the applicant on October 24 that the justification needed to be strengthened.
4. A revised zone change justification letter was received on Wednesday, November 2, 2016 around noon. As of this writing, a revised site development plan has not been received. The EPC Rules of Conduct (B.12) state that that written materials should be submitted to the Planning Department at least 10 days prior to the EPC hearing. With a deferral, however, deadlines for submittal of materials will be adjusted as noted in Finding 5B.
5. Staff is requesting a 30-day deferral to the December 8, 2016 EPC hearing to allow the applicant additional time to address the following items:
 - A. Notification of the affected neighborhood organizations will need to be re-done and certified, return receipts will need to be provided for the file.

The yellow sign, with the zone map amendment request added, will need to be posted during the sign-posting period for the December 2016 hearing (November 23 to December 8, 2016).
 - B. The final version of the zone change justification letter and the final version of the revised site development plan for building permit will need to be submitted to the Staff planner for inclusion in the Staff report by 9 am on Wednesday, November 23, 2016, at the latest (before is acceptable and encouraged).
6. Any items mentioned in the September 6, September 13, and October 24, 2016 project memos that have not been addressed as of this writing, will still need to be addressed in addition to the items mentioned in Finding 5.

FINDINGS – 16EPC-40065, 16EPC-40052, and 16EPC-40051 – November 10, 2016 – Zone Map Amendment, Site Development Plan for Building Permit, and Site Development Plan for Subdivision Amendment

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6. Any items mentioned in the September 6, September 13, and October 24, 2016 project memos that have not been addressed as of this writing, will still need to be addressed in addition to the items mentioned in Finding 5.

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

SUBDIVISION

- ☐ Major subdivision action
☐ Minor subdivision action
☐ Vacation
☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- ☒ for Subdivision
☒ for Building Permit
☐ Administrative Amendment (AA)
☐ Administrative Approval (DRT, URT, etc.)
☐ IP Master Development Plan
☐ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- ☐ Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- ☐ Annexation
☐ Zone Map Amendment (Establish or Change Zoning, Includes Zoning within Sector Development Plans)
☐ Adoption of Rank 2 or 3 Plan or similar
☐ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

D A APPEAL / PROTEST of...

- ☐ Street Name Change (Local & Collector)
☐ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Scott Anderson PHONE: 401-7575
 ADDRESS: 7604 Rio Paraiso NW FAX: _____
 CITY: Albuquerque STATE NM ZIP 87120 E-MAIL: andersonscott@comcast.net
 APPLICANT: Danny Brandenburg PHONE: 883-4000
 ADDRESS: 2711 Candelaria NE FAX: _____
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: psiafom@aol.com
 Proprietary interest in site: _____ List all owners: Alexander Sosa's Realty Group LLC

DESCRIPTION OF REQUEST: Site Plan for Subdivision, Site Plan for Building Permit

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes ☐ No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lot 4 Block: 0000 Unit: _____
 Subdiv/Addn/TBKA: Paradise Plaza
 Existing Zoning: SU-1 Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): A 11 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):
1000898DRB, 1000936, AA, 1000936 EPC, 297120, 299-112

CASE INFORMATION:

Within city limits? ☒ Yes Within 1000FT of a landfill? ☐
 No. of existing lots: 1 No. of proposed lots: 2 Total site area (acres): 1.2131
 LOCATION OF PROPERTY BY STREETS: On or Near: Unser Blvd N & Crown Rd (NE Corner)
 Between: McMahon and County Line
 Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team (PRT) ☐ Review Date: _____

SIGNATURE Scott Anderson DATE 8/31/16
 (Print Name) Scott Anderson Applicant ☐ Agent ☒

FOR OFFICIAL USE ONLY

- ☐ INTERNAL ROUTING
☒ All checklists are complete
☒ All fees have been collected
☒ All case #s are assigned
☒ AGIS copy has been sent
☒ Case history #s are listed
☐ Site is within 1000ft of a landfill
☐ F.H.D.P. density bonus
☐ F.H.D.P. fee rebate

Application case numbers

1000936 40001
40002

Action

SPS
SRP
CMF
RDY

S.F.

385.00
385.00
30.00
75.00

Revised: 11/2014

Total

\$ _____

Hearing date October 13, 2016

9-1-16

Project # 1000936

FORM P(1): SITE DEVELOPMENT PLAN REVIEW – E.P.C. PUBLIC HEARING

- ☒ **SITE DEVELOPMENT PLAN FOR SUBDIVISION** (EPC16) Maximum Size: 24" x 36"
☐ **IP MASTER DEVELOPMENT PLAN** (EPC11)
☒ **5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval**
☒ Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
 For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
☒ Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
☒ Zone Atlas map with the entire property(ies) clearly outlined
☒ Letter briefly describing, explaining, and justifying the request
☒ Letter of authorization from the property owner if application is submitted by an agent
☒ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
☒ Completed Site Plan for Subdivision and/or Building Permit Checklist
☒ Sign Posting Agreement
☒ Traffic Impact Study (TIS) form with required signature
☒ Fee (see schedule)
☒ List any original and/or related file numbers on the cover application
 EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- ☒ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT** (EPC15) Maximum Size: 24" x 36"
☐ **SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF)** (EPC17)
☒ **5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval**
☒ Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
☒ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8.5" by 14" pocket.) 20 copies
☒ Site Plans and related drawings reduced to 8.5" x 11" format (1 copy)
☒ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
☒ Letter briefly describing, explaining, and justifying the request
☒ Letter of authorization from the property owner if application is submitted by an agent
☒ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
☒ Sign Posting Agreement
☒ Completed Site Plan for Subdivision and/or Building Permit Checklist
☒ Traffic Impact Study (TIS) form with required signature
☒ Fee (see schedule)
☒ List any original and/or related file numbers on the cover application

NOTE: For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:

- Collocation evidence as described in Zoning Code §14-16-3-17(A)(6)
 - Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)
 - Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)
 - Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)
 - Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)
 - Registered engineer or architect's stamp on the Site Development Plans
 - Office of Community & Neighborhood Coordination inquiry response as above based on ¼ mile radius
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- ☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT** (EPC01) Maximum Size: 24" x 36"
☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION** (EPC02)
 — Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 20 copies
 — DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 20 copies
 — DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 20 copies
 — Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
 — Zone Atlas map with the entire property(ies) clearly outlined
 — Letter briefly describing, explaining, and justifying the request
 — Letter of authorization from the property owner if application is submitted by an agent
 — Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 — Sign Posting Agreement
 — Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 — Traffic Impact Study (TIS) form with required signature
 — Fee (see schedule)
 — List any original and/or related file numbers on the cover application
 EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Scott Anderson
 Applicant name (print)
[Signature]
 Applicant signature / date



- ☒ Checklists complete
☒ Fees collected
☒ Case #s assigned
☒ Related #s listed

Application case numbers
1100 PL - 40051
 - 40052

Form revised November 2010

[Signature] 9-1-16
 Planner signature / date
 Project #: 1000936

October 21, 2016

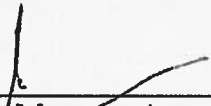
City of Albuquerque

To Whom It May Concern:

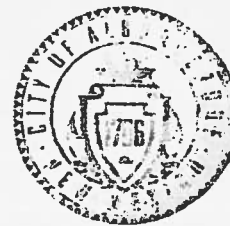
This letter authorizes Scott Anderson to act as an agent for Alexander Samuels Real Estate Group LLC with regards to a site plan for building permit Amendment to Lot 4, Paradise Plaza Subdivision, site plan for subdivision, and Zone Change to SU-1 for C-1 Uses.

If you have any questions or need additional information, please feel free to contact me at _____.

Sincerely,

By: 
John A. Myers, as Attorney for
Alexander Samuels Real Estate Group, LLC

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

October 14, 2016

Danny Brandenburg
2211 Candelaria Rd. NE
Albuquerque, NM 87107

Project# 1000936
16EPC-40051 Site Development Plan for Subdivision
Amendment
16EPC-40052 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above actions for Tract 4, Paradise Plaza, zoned SU-1 for Mixed Uses detailed in Project #1000936, located on Unser Blvd. NW, between McMahon Blvd. NW and the Sandoval County line, containing approximately 1.9 acres.
(A-11) Staff Planner: Catalina Lehner

PO Box 1293

On October 13, 2016 the Environmental Planning Commission (EPC) voted to DEFER Project #1000936/16EPC-40051, Site Development Plan for Subdivision Amendment, and 16EPC-40052, Site Development Plan for Building Permit, based on the following findings:

FINDINGS:

NM 87103

1. The request is for a Site Development Plan for Building Permit for Tract 4 of Paradise Plaza. The applicant proposes a car wash.

www.cabq.gov

2. The subject site is zoned SU-1 for Mixed Use (C-1 uses), with exclusions. An "auto-oriented retail or service use", such as a car wash, is excluded and is not allowed pursuant to the subject site's zoning.

3. The applicant is requesting a 30-day deferral to the November 10, 2016 EPC hearing to allow time to pursue a zone change request, and to re-design the site to conform to the design standards.

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

OFFICIAL NOTICE OF DECISION

Project #1000936

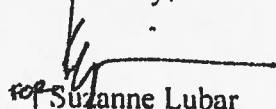
October 13, 2016

Page 2 of 2

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan; within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/CL

cc: Danny Brandenburg, 2211 Candelaria Rd. NE, Albuquerque, NM 87107
Scott Anderson, 7604 Rio Penasco NW, Albuquerque, NM 87120
Harry Hendriksen, Westside Coalition of NAs, 10592 Rio Del Sole Ct NW, Albuquerque, NM 87114-2701
Rene Horvath, Westside Coalition of NAs, 5515 Palomino Dr. NW, Albuquerque, NM 87120



ENVIRONMENTAL PLANNING COMMISSION (EPC) **2016 APPLICATION AND HEARING SCHEDULE**

HEARING MONTH	Application Deadline NOON ²	Agency Distribution (Mondays) ³ 10:00 AM	Legal Ad Due to Newspaper (Fridays) 9:00 AM	Legal Ad Published & Mailed Out* (Wednesdays)	Distribution of Agency Comments to Applicants (Wednesdays)	FINAL Materials Due (from applicant) Fridays by 9:00 AM ¹ / 2	Agenda available/ posted on website	EPC Case Distribution Thursdays 3:00 PM ²	EPC Public Hearing (All Days) Thursdays 8:30 AM	Appeal Deadline Fridays 5:00 PM ²
FEBRUARY	WEDNESDAY 30 December BY 4 PM	4 January	15 January	20 January	20 January	29 January	4 February	4 February	11 February	26 February
MARCH	28 January	1 February	12 February	17 February	17 February	26 February	3 March	3 March	10 March	25 March
APRIL	25 February	29 February	11 March	16 March	16 March	25 March	7 April	7 April	14 April	29 April
MAY	31 March	4 April	15 April	20 April	20 April	29 April	5 May	5 May	12 May	27 May
JUNE	28 April	2 May	13 May	18 May	18 May	27 May	2 June	2 June	9 June	24 June
JULY	2 June	6 June	17 June	22 June	22 June	1 July	7 July	7 July	14 July	29 July
AUGUST	30 June	TUESDAY 5 July	15 July	20 July	20 July	29 July	4 August	4 August	11 August	26 August
SEPTEMBER	28 July	1 August	12 August	17 August	17 August	26 August	1 September	1 September	8 September	23 September
OCTOBER	1 September	TUESDAY 6 September	16 September	21 September	21 September	30 September	6 October	6 October	13 October	28 October
NOVEMBER	29 September	3 October	14 October	19 October	19 October	28 October	3 November	3 November	10 November	MONDAY 28 November
DECEMBER	27 October	31 October	11 November	16 November	16 November	WEDNESDAY 23 November	1 December	1 December	8 December	TUESDAY 27 December
JANUARY '17	1 December	5 December	16 December	21 December	21 December	30 December	5 January	5 January	12 January	27 January

¹ Final Materials may be due earlier and/or extensions may be granted depending on the complexity of the case and the need for proper notice. *This date is approximately 22 days prior to the public hearing while the minimum requirement is 15 days. This date may change depending on the requirements of the newspaper but will always fall within the 15 day requirement. ³ Held in the Hearing Room in the Basement of the Plaza del Sol building 600 2nd Street (10/6/2015)

Lehner, Catalina L.

From: andersonscottc@comcast.net
Sent: Wednesday, November 02, 2016 12:17 PM
To: Lehner, Catalina L.
Subject: revised letter
Attachments: Unser Car Wash zone change letter 2016-11-01.pdf

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Wednesday, November 02, 2016 11:49 AM
To: 'andersonscottc@comcast.net'
Cc: Dicome, Kym; Brito, Russell D.; Tebo, Christopher J.
Subject: RE: Unser/McMahon case

Hi Scott,

I will be recommending deferral of this case in accordance with standard notification requirements and the EPC's Rules of Procedure.

I suggest proceeding with this case at the next EPC hearing (December 8). As the decision-maker, the EPC is not obligated to agree with a Staff recommendation.

Thank you.

-Catalina

From: andersonscottc@comcast.net [<mailto:andersonscottc@comcast.net>]
Sent: Tuesday, November 01, 2016 8:04 AM
To: Lehner, Catalina L.; PCSIOFNM
Cc: Dicome, Kym
Subject: Re: Unser/McMahon case

Catalina,

A deferral will prevent the project from being done so we must figure out to proceed on schedule.

The original signs are posted, but lack the "zone change" wording. Notification of the intent to develop the site has been posted and thus satisfying the spirit of the notice. If the City was in error by not having the proper wording on the signs provided that is not the fault of the developer.

The additional research requested in your last memo is nearly complete. I respectfully request that you provide me until 11/2/16 to address the final comments and submit the corrected drawings.

Thank you for your assistance.

Scott Anderson

From: "Catalina L. Lehner" <CLehner@cabq.gov>
To: "andersonscottc@comcast.net" <andersonscottc@comcast.net>
Cc: "Kym Dicome" <kdicome@cabq.gov>
Sent: Monday, October 31, 2016 6:00:27 PM
Subject: Unser/McMahon case

Hi Scott,

I'm sorry, but the Unser/McMahon car wash case will need to be deferred for another thirty days.

The sign posting period for the added zone change request is 10/26 to 11/9, and you had asked me on Friday 10/28 if a sign needed to be posted so that advertising requirement was missed. The lack of a sign on Friday was verified by Code Enforcement Staff.

Also, the deadline for receiving materials to be analyzed in the Staff report was today, 10/31. I had requested the revised zone change justification last Thursday 10/27, after providing a response memo in one day to try to help expedite things. If you have any questions and/or need assistance in the file room, feel free to contact me.

Catalina Lehner- MCRP, AICP
Senior Planner
City of Albuquerque, NM
(505) 924-3935

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Monday, October 24, 2016 5:07 PM
To: 'andersonscottc@comcast.net'
Subject: FW: revised zone change letter & authorization
Attachments: 1000936 DM2.docx

The memo is attached. Please let me know if you have any questions. Thank you.
-Catalina

From: Lehner, Catalina L.
Sent: Monday, October 24, 2016 9:41 AM
To: 'andersonscottc@comcast.net'
Subject: RE: revised zone change letter & authorization

Hi Scott,
That won't be necessary unless you want to, although you will need to come in to visit the file room sooner rather than later.
I took a quick look at the letter and, unfortunately, it doesn't meet key tests of R270-1980 as required.

I will read it thoroughly and issue a memo by the end of the day so you know what to fix; however, I cannot do the thinking part on behalf of a private applicant. This is why I had suggested subbing out the ZC portion of the request.
-Catalina

From: andersonscottc@comcast.net [<mailto:andersonscottc@comcast.net>]
Sent: Monday, October 24, 2016 9:22 AM
To: Lehner, Catalina L.
Subject: revised zone change letter & authorization

Catalina,

I will drop off a hard copy to you today.

Thank you

Scott Anderson

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Wednesday, October 12, 2016 12:27 PM
To: 'andersonscottc@comcast.net'
Subject: RE: Unser NW car wash project

Yes, November 10. I don't know what you mean by "zoning hearing". All zone changes go through the EPC process and not any other process. After EPC, you will be required to go to the DRB because that's the second step in the EPC process- but the site plan is contingent on the zone change being justified, so that's why I'm asking who the agent is for the zc because this needs to get moving.

From: andersonscottc@comcast.net [<mailto:andersonscottc@comcast.net>]
Sent: Wednesday, October 12, 2016 12:24 PM
To: Lehner, Catalina L.
Subject: Re: Unser NW car wash project

Just for my clarification both Zone Change and Site Plan for building permit are on November 10. We do not need to have a hearing for subdivision nor is there a Zoning hearing prior to November 10. Is this correct?

From: "Catalina L. Lehner" <CLehner@cabq.gov>
To: "andersonscottc@comcast.net" <andersonscottc@comcast.net>
Sent: Wednesday, October 12, 2016 12:00:53 PM
Subject: RE: Unser NW car wash project

Hi Scott,

Both requests are being advertised to be heard on November 10th. Here is a link to EPC information:
<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

I will need the following, *in addition to the zone change justification letter* mentioned below.

1. A letter of authorization from the property owner for the person who the zone change is subbed out to.
2. A new project letter to replace the old one. Please use the link above to ensure that the zone change description is correct.
3. Re-done notification to neighborhood associations. Please provide the certified, return receipts for the file.

-Catalina

From: andersonscottc@comcast.net [<mailto:andersonscottc@comcast.net>]
Sent: Wednesday, October 12, 2016 11:43 AM
To: Lehner, Catalina L.
Subject: Re: Unser NW car wash project

When is the Zoning hearing?

From: "Catalina L. Lehner" <CLehner@cabq.gov>
To: "andersonscottc@comcast.net" <andersonscottc@comcast.net>
Cc: "Kym Dicome" <kdicome@cabq.gov>

Sent: Tuesday, October 11, 2016 9:58:58 AM
Subject: FW: Unser NW car wash project

Re-sending. Please see below.

From: Lehner, Catalina L.
Sent: Thursday, September 29, 2016 4:40 PM
To: 'andersonscottc@comcast.net'
Cc: Dicone, Kym; McIntosh, Benjamin A.
Subject: Unser NW car wash project

Hi Scott,

As we've discussed, a zone change is needed to develop an auto-oriented retail or service use (such as a car wash) on the subject site.

I have confirmed this with Code Enforcement Staff. In order to proceed with the zone change, here's what needs to happen:

1. The zone change needs to be paid for at the Front Counter by October 11 at the latest, to allow us to make deadlines for legal advertising. If advertising doesn't happen, another deferral will be necessary. You will receive a new case number, which will be added to the project. Please bring me the receipt and new case number so I can add them to the project file.
2. A complete zone change justification letter, pursuant to R270-1980, is needed by 5 pm on Friday, October 21 at the latest.

I haven't heard back from you definitively how you'd like to proceed. If the applicant would rather find another site, then please advise of that as well.

Thank you.
-Catalina

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Tuesday, October 11, 2016 9:59 AM
To: 'andersonscottc@comcast.net'
Cc: Dicome, Kym
Subject: FW: Unser NW car wash project

Re-sending. Please see below.

From: Lehner, Catalina L.
Sent: Thursday, September 29, 2016 4:40 PM
To: 'andersonscottc@comcast.net'
Cc: Dicome, Kym; McIntosh, Benjamin A.
Subject: Unser NW car wash project

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As we've discussed, a zone change is needed to develop an auto-oriented retail or service use (such as a car wash) on the subject site.

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-Catalina